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Filed: July 28, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CAROL T. SCHEMBRI,
Junior Party
(Patent 6,513,968 B2),

v.

DONALD M. BESEMER, VIRGINIA W. GOSS,
and
JAMES L. WINKLER,
Senior Party
(Application 10/619,224).

Patent Interference No. 105,285

JUDGMENT – Bd. R. 127(a)

Before SCHAFER, TORCZON, and MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

In paper 69, we found that:

- (1) Besemer has been accorded priority benefit of U.S. Patent Application 08/485,452, filed June 7, 1995 (now U.S. Patent 5,945,334).
- (2) Schembri has been accorded priority benefit of U.S. Patent Application 09/137,963 filed August 21, 1998.

(3) Schembri has not sought the benefit of an earlier priority date.

2 (4) Having denied Schembri Motion 1, the only basis upon which Schembri
3 challenges Besemer's entitlement to the June 7, 1995 priority date, Schembri
4 cannot prevail on the question of priority of invention as against Besemer.

5 It is therefore now appropriate to enter judgment against Schembri.

6 Accordingly, it is hereby:

7 **ORDERED** that judgment on priority as to Count 1 (Paper 1, page 4) is
8 awarded against junior party Carol T. Schembri.

9 **FURTHER ORDERED** that junior party Carol T. Schembri is not entitled to
10 a patent containing claims 20-26 and 30-35 (corresponding to Count 1) of patent
11 6,513,968 B2.

12 **FURTHER ORDERED** that a copy of this paper shall be made of record in
13 files of application 10/619,224 and patent 6,513,968 B2.

14 **FURTHER ORDERED** that if there is settlement agreement, the parties
15 shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a).

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2 **cc (electronic filing):**
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Judgment - Bd.R. 127(a)

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